



***MINUTES OF THE ONE-HUNDRED-AND-SEVENTY-SECOND  
MEETING OF THE MERIT BOARD – May 20, 2009***

---

***State Universities Civil Service System Office  
1717 Philo Road, Suite 24  
Urbana, Illinois 61802  
&  
(Video Conference)  
University of Illinois at Chicago  
Human Resources Building, Room 201D, 2<sup>nd</sup> Floor  
715 South Wood Street  
Chicago, Illinois 60612  
&  
(Video Conference)  
Western Illinois University  
Sherman Hall  
1 University Circle, Room 205  
Macomb, Illinois 61455  
&  
(Video Conference)  
Southern Illinois University Carbondale  
Morris Library  
Conference Room, 1<sup>st</sup> Floor  
605 Agricultural Drive  
Carbondale, Illinois 62901***

Chair Strauss called the meeting to order at 10:00 a.m.

Members present at the primary meeting location were: Marc Strauss, Chair, representing Northern Illinois University; David V. Dorris, representing the University of Illinois; Joanne E. Maitland, representing Illinois State University; and Robert D. Webb, representing Eastern Illinois University.

Members present at the Chicago videoconference location were: Grace Dawson, representing Northeastern Illinois University; Kristi DeLaurentiis, representing Governors State University; James D. Montgomery, representing the University of Illinois; and Richard L. Tolliver, representing Chicago State University.

Member present at the Macomb videoconference location was: Donald “Bill” Griffin, representing Western Illinois University.

Members absent were: Edward McMillan, representing the University of Illinois; and John Simmons, representing Southern Illinois University.

Also present were: Lewis T. (Tom) Morelock, Executive Director; Mary C. Follmer, Assistant Director, Legal Services; Teresa Rademacher, Secretary for the Merit Board; and Barney Bryson, Chair of the State Universities Civil Service Advisory Committee. Various other university employees and University System Office staff were also in attendance.

#### ***Consideration of participation by other Merit Board Members, not physically present at meeting site***

No members requested participation by teleconference.

#### ***Introduction of new Merit Board Member***

Chair Strauss welcomed Edward McMillan, representing the University of Illinois, to the Merit Board. Mr. McMillan replaced Mr. Bruce in May 2009. Mr. McMillan was unable to attend the meeting; a bio for Mr. McMillan was included in the agenda materials.

#### ***Executive Session***

Mr. Strauss explained that the purpose of this agenda item was to discuss personnel issues and closed session minutes from the February 18, 2009 meeting. Mrs. Maitland moved to go into Executive Session at 10:04 a.m. Dr. Webb seconded Mrs. Maitland’s motion. A roll call vote was taken and the motion was approved with the following vote:

|                      |        |
|----------------------|--------|
| Mrs. Maitland .....  | Aye    |
| Mr. McMillan .....   | Absent |
| Mr. Montgomery ..... | Aye    |
| Mr. Simmons .....    | Absent |

|                       |     |
|-----------------------|-----|
| Mr. Strauss .....     | Aye |
| Rev. Tolliver .....   | Aye |
| Dr. Webb .....        | Aye |
| Dr. Dawson .....      | Aye |
| Ms. DeLaurentiis..... | Aye |
| Mr. Dorris .....      | Aye |
| Dr. Griffin.....      | Aye |

Mr. Dorris made a motion to reopen the meeting at 10:19 a.m. Mrs. Maitland seconded Mr. Dorris's motion. A roll call vote was taken and the motion was approved with the following vote:

|                       |        |
|-----------------------|--------|
| Mr. Dorris .....      | Aye    |
| Dr. Griffin.....      | Aye    |
| Mrs. Maitland .....   | Aye    |
| Mr. McMillan.....     | Absent |
| Mr. Montgomery.....   | Aye    |
| Mr. Simmons .....     | Absent |
| Mr. Strauss .....     | Aye    |
| Rev. Tolliver .....   | Aye    |
| Dr. Webb .....        | Aye    |
| Dr. Dawson .....      | Aye    |
| Ms. DeLaurentiis..... | Aye    |

Chair Strauss reported that no action was taken during the closed session.

### **Public Comments**

Chair Strauss stated that two requests for public comments had been received in accordance with the Merit Board Bylaws; Douglas H. Vinzant, Senior Associate Vice President, University of Illinois, and Barney Bryson, Chair, Employee Advisory Committee. On May 19, 2009, Dr. Vinzant withdrew his request to make public comments at this meeting. Chair Strauss stated that a motion was still needed for Mr. Bryson to speak.

Dr. Webb made a motion to allow Mr. Bryson to speak. Mr. Dorris seconded Dr. Webb's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Mr. Bryson stated that he was speaking to the Board to encourage their approval of the new Exemption Procedures Manual. He also stated that the Employee Advisory Committee has had great concerns for some time regarding the increasing number of Principal Administrative

Appointments. The committee has agreed that this new Exemption Procedures Manual is a good start to correct some of the troublesome issues.

Mr. Strauss asked Mr. Bryson if the Employee Advisory Committee had looked at the recent changes to the Exemption Procedures Manual that had been proposed within the last few days before the meeting. Mr. Morelock stated that those changes had not been forwarded to the entire committee. Mr. Bryson stated that the committee did not have an opinion since they had not seen the most recent proposed changes.

#### ***Consideration of the Minutes of the 171<sup>st</sup> Meeting of the Merit Board, February 18, 2009***

The minutes of the 171<sup>st</sup> meeting of the Merit Board, February 18, 2009, had been transmitted to members of the Merit Board with the agenda materials.

Mrs. Maitland moved to approve the minutes of the February 18, 2009 meeting. Dr. Dawson seconded Mrs. Maitland's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

#### ***Consideration of the Closed Minutes of the 171<sup>st</sup> Meeting of the Merit Board, February 18, 2009***

The closed minutes of the 171<sup>st</sup> meeting of the Merit Board, February 18, 2009, had been transmitted to members of the Merit Board under separate cover from the agenda material.

Mr. Dorris moved to approve and release the closed minutes of the February 18, 2009 meeting. Dr. Webb seconded Mr. Dorris's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

#### ***Consideration to destroy the recording of the Executive Session of the 166<sup>th</sup> Meeting of the Merit Board, November 7, 2007***

Ms. Follmer explained that in accordance with the Open Meetings Act, recordings of closed sessions must be kept for 18 months from the date of the recording. The Closed Session minutes of the 166<sup>th</sup> meeting of the Merit Board, November 7, 2007, had been approved and released by the Merit Board at the February 20, 2008 meeting of the Board. Based on these facts, the recording could be destroyed.

Mr. Dorris moved to destroy the Closed Session recording of the 166<sup>th</sup> meeting, November 7, 2007. Ms. DeLaurentiis seconded Mr. Dorris's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

***Consideration of Discharge Proceeding Number ISU-08-4 filed against Willie McGee by Illinois State University***

On May 4, 2009, the Secretary for the Merit Board mailed the Hearing Record for the Willie McGee (ISU-08-4) discharge case to each member of the Merit Board. The Merit Board was asked to review the case and be prepared to act on this discharge matter at this meeting.

Chair Strauss asked Ms. Follmer to give a summary of the case. Ms. Follmer summarized the Written Charges for Discharge and alternative orders. Mr. McGee was charged with continued and excessive absenteeism in violation of the Illinois State University attendance policy which also led to the following disciplinary actions:

1. Oral warning on 9/14/06 (14 unscheduled absences within a 12 month period)
2. Written warning on 12/18/06 (16 unscheduled absences within a 12 month period, 6 of those occurring in November 2006)
3. Four prior suspensions consisting of:
  - One day suspension on 3/27/07 (3 unscheduled absences in December 2006 )
  - Four day suspension on 6/8/07 (10 unscheduled absences in May and June 2007)
  - Fifteen day suspension on 8/24/07 (2 unscheduled absences in June 2007)
  - Thirty day suspension on 11/20/07 (6 unscheduled absences in September 2007)
4. Written Charges for Discharge on 11/19/08 ( unscheduled absences in August, September and October 2008)

Ms. Follmer stated that Dirk May, Attorney for Employee-Petitioner, had filed a Motion to Stay Proceedings Before the Merit Board due to the fact that Mr. McGee had filed an application with the State Universities Retirement System (SURS) for disability benefits after Mr. McGee had been served with the intent to discharge letter from Illinois State University. In the meantime, SURS has denied Mr. McGee's application, but he has filed a timely appeal with SURS. A primary issue in this matter is whether an employee is given a leave of absence during a disability period, including any time of appeal, and if the discharge action would have an impact on any disability claim.

Motions for Personal Appearances were timely filed in accordance with the Merit Board Bylaws by Dirk May, Attorney for Employee-Petitioner, and Barbara Taft, Attorney for Employer-Respondent. On May 19, 2009, Mr. May withdrew his request to appear due to the fact that he was unable to attend the board meeting personally.

After discussion, Mrs. Maitland moved to allow Ms. Taft to appear before the Merit Board. Dr. Dawson seconded Mrs. Maitland's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried, with Mr. Dorris abstaining.

Ms. Taft presented oral argument in support of the discharge of Mr. McGee on behalf of Illinois State University. There remained some question as to what impact any discharge decision would have on the disability claim and appeal.

After an extensive discussion, Dr. Dawson made a motion to grant the Motion to Stay Proceedings Before the Merit Board until the next scheduled meeting of the Board. Mr. Montgomery seconded Dr. Dawson's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried, with Mr. Griffin voting against the motion.

***Update and authorization for the Executive Director to implement and administer the Merit Board Budget for FY 2010***

Mr. Morelock updated the Merit Board on the status of the FY 2010 operating budget. SB 2426 and HB 4392 capture the Governor's budget recommendation for our agency. He also stated that testimony had been presented in the House Appropriations Committee and Senate Appropriations Committee. No decision has been made regarding the FY 2010 appropriation at the time of the meeting. Chair Strauss asked for a motion. Mr. Dorris made a motion to adopt the following Resolution.

***RESOLUTION***

*BE IT RESOLVED THAT contingent upon the availability of funds and final approval by the Governor's office, the Merit Board authorizes the Executive Director to administer the FY 2010 budget, including the implementation of a salary increase for agency employees, incorporating a merit-based component administered in accordance with applicable Merit Board policies and Pay Administration Guidelines, contingent upon the availability of funds. The Merit Board also authorizes the Executive Director to make any other expenditures necessary for the operation of the State Universities Civil Service System and the Merit Board Office, commencing July 1, 2009 and continuing until such time as the FY 2010 appropriation becomes effective or the Merit Board directs otherwise.*

Ms. DeLaurentiis seconded Mr. Dorris's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

***Consideration of Public Officials Errors and Omissions Insurance – July 1, 2009 through June 30, 2010***

Mr. Morelock requested that the Merit Board allow him to investigate, research, and purchase public errors and omissions insurance for the period of July 1, 2009 through June 30, 2010.

Dr. Dawson made a motion that the Executive Director be directed to investigate and purchase, based on budgetary discretion, a Public Officials Errors and Omissions Insurance Policy for Merit Board members and University System Office staff. Mr. Dorris seconded Dr. Dawson's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion was unanimously approved.

***Update and action on the proposed rule changes to sections 250.5, 250.60, 250.70, 250.90, 250.110, and 250.120 of the Illinois Administrative Code***

Mr. Morelock updated the Merit Board on the proposed rulemaking to sections 250.5, 250.60, 250.70, 250.90, 250.110, and 250.120 of the Illinois Administrative Code. The 1<sup>st</sup> Notice Period began on February 9, 2009 and ended on April 26, 2009. Several minor amendments were suggested by the staff of the Joint Committee on Administrative Rules and those changes were incorporated into the proposed changes in the agenda materials.

Dr. Dawson made a motion that the proposed rule changes be submitted to the Joint Committee on Administrative Rules for the 2<sup>nd</sup> Notice Period. Mr. Dorris seconded Dr. Dawson's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion was unanimously approved.

***Discussion and action on revised Exemption Procedures***

Mr. Morelock began the discussion by stating that the University System staff had been working with staff from the University of Illinois after the agenda material had already been mailed regarding several questions in the new Exemption Procedures Manual. Consequently, there were some additional changes to this Manual that were distributed to Board members at the meeting. The following changes were made to sections 6.1, 6.2, 6.5, and 7.1 of the Exemption Procedures Manual:

- Section 6.1 – 1) changed the section name to “Accountability”, instead of “Accountability Program”; 2) in the 1<sup>st</sup> paragraph deleted the phrase “implementing an accountability program to ensure” and changed the following “This accountability

program” to “Accountability for the delegated exemption authorization”; and 3) added a new paragraph dealing with the concept of accountability.

- Section 6.2 – 1) changed the 1<sup>st</sup> paragraph to read “Accountability for exemption authorization consists of the following components”; 2) deleted “Each employer must develop” from the Internal Review Process section; 3) deleted “Each employer must provide training for those” and replaced with “Training for those”; 4) added the phrase “or approve” to the last sentence of the Training Process section; 5) deleted “Each employer must establish and implement” and added language regarding the contractual term/contractual renewal to the Internal Assessment Process section; and 6) deleted “Each employer must maintain” from the Data Report section.
- Section 6.5 – 1) replaced the word “noncompliance” with “incorrect exemption authorization” in the 1<sup>st</sup> paragraph; and 2) added a new sentence regarding employment contracts.
- Section 7.1 – changed the last paragraph to read “These new data elements will not be required until such time that a joint review of all currently submitted data reports has been conducted with all employers, and a formalized IT reporting protocol has been established and approved by the Merit Board”.

Mr. Dorris commended Mr. Morelock and Ms. Follmer for preserving the integrity of this Civil Service System process and for addressing the many employer/employee concerns. Mr. Montgomery voiced his agreement with this commendation.

Dr. Dawson made a motion that the Exemption Procedures Manual included in the agenda materials, along with the proposed changes submitted at the meeting, be approved. Mr. Montgomery seconded Dr. Dawson’s motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion was unanimously approved.

#### ***Discussion and action on revisions to the Classification Procedures Manual***

Mr. Morelock began the discussion that this section concerns the classification process for the agency and recommended that these additions/revisions be approved for distribution.

Mrs. Maitland made a motion to approve these sections of the classification process. Mr. Montgomery seconded Mrs. Maitland’s motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion was unanimously approved.



### ***Annual Ethics Training for Merit Board Members and Staff***

Mr. Morelock updated the Board on the requirement for Ethics Training for Board members and staff of the University System. The Ethics Training that the Board members complete for their university will fulfill the requirement for the University System Office.

### ***Report of the Executive Director***

Executive Director Morelock provided an agency report which included the following items:

- updated the Merit Board on the status of the FY 2009 Budget and provided current expenditures and obligations with a correction to the Telecommunications Line Item;
- updated the Merit Board on the Audit Program; a copy of the audit schedule was included in the agenda materials;
- updated the Merit Board on the recent classification/examination changes; and
- informed the Merit Board of interagency activities; a list of University/Agency visits was reviewed and included in agenda materials.

### ***Report of the Human Resource Directors Advisory Committee – Tom Morelock, Chair***

Mr. Morelock informed the board that the committee had last met on May 1 and that Maureen Parks from the University of Illinois, would be presenting the report to the Board for this meeting.

Ms. Parks informed the Board that the Human Resource Directors Advisory committee has met quarterly and that the committee has actively been engaged in the many system initiatives. She indicated that several years ago a number of topics were introduced and discussed. This group would like to see some of these items revisited in the future. Some of the topics included the following:

- Pilot program
- Soft funding
- Register maintenance
- Bumping rights

- Rule of Three

She highlighted that the committee is continuing to work with the staff of the University System office in a positive, collaborative approach which will foster new progressive developments.

#### ***Report of the State Universities Civil Service Advisory Committee – Barney Bryson, Chair***

The Merit Board heard a report from Barney Bryson, Chair of the State Universities Civil Service Advisory Committee. The Committee last met on April 16 and 17, 2009 at Northern Illinois University. President Peters welcomed the committee members to the campus of NIU. Janet Davis was seated as the new member representing the University of Illinois at Urbana-Champaign. The committee discussed several items that including funding, exemption procedures, other procedure manual changes, and rule changes.

#### ***Report of Legal Counsel – Mary Follmer***

Mary Follmer, Assistant Director, Legal Services, updated the Merit Board on some outstanding legal matters. Ms. Follmer reported that during FY 2009, 32 Written Charges for Discharge were served on employees by the various universities and agencies. Of those 32 cases, 8 employees had requested hearings. At the time of the meeting, there were no pending litigation cases.

#### ***Other Items as Presented***

The next meeting of the Merit Board is scheduled for Wednesday, August 19, 2009 at the University System office, and by video conference at locations in the Carbondale, Chicago, and Macomb areas, beginning at 10:00 a.m.

Mrs. Maitland made a motion to adjourn the meeting. Mr. Dorris seconded Mrs. Maitland's motion. The meeting adjourned at 11:34 a.m.

Respectfully submitted,

*/s/ Teresa M. Rademacher*

Teresa M. Rademacher  
Secretary for the Merit Board

APPROVED:

*/s/ Joanne E. Maitland*

Joanne E. Maitland, Vice Chair

August 19, 2009

Date